

**Major General Raymond F. Rees Testimony
Before
House Committee on Government Reform
20 October, 2005**

Mr. Chairman and members of the Committee, I am Major General Raymond F. Rees; I serve as The Adjutant General for the State of Oregon. I am pleased that you invited me here today to discuss the important role that the National Guard plays in Homeland Defense, Homeland Security and disaster relief and recovery.

We have all just witnessed the terrible disaster that struck the Gulf Coast. It is a sobering reminder of what may happen to any place in this country when we least expect it. We must learn from past episodes so we can do a better job when the next befalls us as it will. A natural disaster is never quite the same as the last. In this most recent case, I believe that we can look to some positive improvements over what I have observed in the past decade. The most positive aspects of these efforts were and are the effective use of the Emergency Management Assistance Compact (EMAC) and the use of the National Guard in Title 32 operational status. I make this judgment based on my background as an Adjutant General for 9 years, 7 years at the National Guard Bureau as Director of the Army National Guard, Vice Chief of the Guard Bureau, and the acting Chief on two occasions and as Chief of Staff at Northern Command/NORAD for 2 years. It is clear, the National Guard has made improvements in how we respond and react to disasters.

In this instance, unlike the disasters in the early 1990's, we had in place the EMAC that allowed the Guard from the several states that did have available resources to more easily marshal those assets and send them to the Gulf States. In Oregon, we recalled just over 2000 soldiers and equipment from a cold start on

a holiday weekend and moved that force to New Orleans within 4 days. The advance parties were on the ground within 48 hours. The pace of the movement was based on the availability of airlift and the right kind of airlift. In our instance, we placed our soldiers initially on State Active Duty based on what Louisiana was identifying as its needs through a coordinating process by the National Guard Bureau. They then deployed to New Orleans in Air National Guard aircraft and were placed into the most ravaged parish in the city immediately upon arrival. Did EMAC work? In my opinion, it worked exceedingly well and as it was designed. It reinforces the basic premises of the National Incident Management System.

We have proven that the states and the National Guard can move quickly when ordered to do so. Our traditional role in any state emergency has been to deploy to the event as soon as possible. Once on the scene, we do search and rescue, recovery operations and support law enforcement within the confines of the law and the direction of the Commander in Chief, the Governor. Oregon and many other states were called to duty, dispatched to the Gulf States and were fully engaged in record time. In my view this was a classic case of the flexibility and capacity of the nation's citizen soldiers and airmen. The execution coordination and control were properly placed in support of the Governor to stabilize and restore civilian authority. The National Guard Bureau provided resources and coordination among the states to achieve the objective as well as working with DoD to properly place this operation in Title 32 status for our soldiers and airmen. (Title 32 status provided uniformity among the states for pay, benefits and protection under the law for those called to duty, while the Governors remained in command.)

EMAC needs to be an evolving document. Based on what we have learned, I would suggest we look at the timing of invoking the EMAC and language regarding the use of the National Guard in support of law enforcement. We also need to look at timely use

of Title 32 operational status. Had that call come as the hurricane was approaching or soon thereafter, the result in New Orleans might have been significantly different. I think the results we witnessed with Hurricane Rita demonstrates that when a ready force is pre-staged and in place the recovery occurs much sooner with fewer problems. There has always been a reluctance to act prematurely because of the costs involved and the fear of “crying wolf” too often. Certain fundamental functions could be placed in a warm status or moved out of harms way and relationships established to insure a quick response. Training programs for this type of activity are essential.

A good deal of debate has arisen about the need to modify or terminate the Posse Comitatus Act. I do not believe that changing Posse Comitatus is the answer or any part of the answer. It provides a clear trip wire for the American people in this balance between the states rights and the federal government. It has worked for over 100 years and I have heard of nothing that occurred in this event that would convince me that it needs to be changed. It is apparent that the states need to clearly include law enforcement provisions in the EMAC for the use of the National Guard. Analysis may also show that it would be helpful for the states to pursue uniform statutory authority for use of the National Guard in support of law enforcement.

We can and must make some fundamental changes on how we view and execute our duties as separate states. Adjutants General must maintain our historical and constitutional role with our governors but we also rely on the federal government for resources and coordination of assets that don’t exist within the states. In a sense, the National Guard represents a 6th service of the armed services when it comes to our domestic role. If we look at the Coast Guard as a model, the National Guard is a close cousin with respect to our constitutional and statutory roles as well as our functional role. The Coast Guard is viewed by many as a law enforcement organization not a “go to war” service. Yet as we

know, it is both. It provides law enforcement and has a vital role in our overseas war efforts. I believe that the National Guard is viewed similarly but with an emphasis on our “go to war” role as opposed to our domestic role. I think the question we should answer is how should the National Guard be organized, trained, resourced and function to best respond to domestic needs as well as the war fight?

If we examine the National Guard’s current role in the Global War on Terror, it is clear that we are a vital part of this effort. The Department of Defense primarily resources and organizes the National Guard as a war fighter not a disaster relief organization. On the other hand, most Governors look to the National Guard for the domestic mission and not the global mission. Our funding and training is designated by DoD for the global mission. The advantage to the Governors is that these missions and training are not mutually exclusive. In fact, the organization, structure, equipment and training provide the domestic mission capability to the Governors at minimal cost. It truly is the best of both worlds. However, I think we all recognize that we do have a gap in the case of large multi-jurisdictional catastrophes. The larger question is how do we cover that gap?

The gap I speak to can be covered and should be covered by the National Guard. We are in over 3300 communities in the nation. Our soldiers and airmen are members of the community and the expertise and knowledge these citizen soldiers bring to the table is not replaceable by any outside organization. If DoD is to address this gap following current authorities, it will have to identify resources, missioning, and standards through service channels. Alternatively, it could follow a model similar to the resourcing for the Special Operations community that could be directed by USNORTHCOM, and would not have to compete with conventional service resource requirements. If DoD is not directed to address this we should examine the lessons of the Coast Guard

model. In the Coast Guard model we see that Congress has taken the expertise of this service and used them to cover gaps within the DoD mission. The National Guard could cover inter jurisdictional gaps we have seen between federal government and the states and the DoD and DHS responsibilities, much the same as we have with DoD and the Coast Guard.

How would this be done?

Congress would legislate this gap coverage by establishing a permanent relationship between the Homeland Security Department and the DoD for utilization of the National Guard.

One means of accomplishing this would be to minimally but formally expand the federal structure of the National Guard into a dual-missioned organization consistent with its existing dual-mission at the state level.

This could be accomplished as follows: First, the statutory purpose of the National Guard Bureau and the legal duties of its Chief would need to be expanded to include coordination between the Department of Homeland Security and the states with regard to the National Guard's participation in disaster response. Second, a means for the governors of the states to build enhanced National Guard capability for disaster response would need to be established. This second element could simply be an expansion, of or a parallel to the existing National Guard Counter-drug program in which a state governor provides a plan outlining the state's needs for military support to civilian capabilities (currently for drug fighting) and submits it to the federal government (currently the Department of Defense) for funding approval subject to federal guidance. This program could be expanded to include disaster response and then shifted to DHS or, alternatively, a parallel DHS program exclusively focused on disaster response could be established.

Additionally, we need to examine the current structure both in organizational capability and the need for equipment located regionally around the nation. ¹The National Guard Bureau developed and fielded 12 Chemical, Biological, Radiological/Nuclear, and high-yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) teams through out the United States to provide a response capability to meet Homeland Defense Requirements. Coupled with our Civil Support Teams in every state, the National Guard is the best organization to fulfill these missions. The Guard Bureau is completing a review of these capabilities as well as several I have not mentioned. This review will make recommendations to strengthen these dual responsibilities to allow us to continue to maintain our “Go to War” structure while at the same time provide the Homeland Security requirements that our nation deserves. This can not be accomplished without the man power and the equipment.

As we look at our primary mission, to prepare to deploy as a reserve of the U.S. Army and Air Force, we must also be able to support our Governors requirements on an immediate basis, and respond with the right capabilities at the proper time and place. The National Guard Bureau has established a list of 10 essential capabilities each State, Territory and the District of Columbia must have and maintain at all times.²

1. Aviation
2. Engineering
3. Civil Support Teams
4. Security
5. Medical
6. Transportation

¹ National Guard Homeland Defense White Paper: September 11, 2001 Hurricane Katrina, and Beyond, pg 9

² National Guard Homeland Defense White Paper: September 11, 2001 Hurricane Katrina, and Beyond, pg 11

7. Maintenance
8. Logistics
9. Joint Force Headquarters
10. Communications

Many States do not have all of these capabilities in their force structure. Again, we must look at the Regional capabilities and the use of EMAC to provide such elements. However, unless Congress adequately provides the necessary resources for the organization, training, and purchase of the needed equipment, we will have a hollow force. (Oregon could not have moved 2000 troops to New Orleans in 4 days without the 30 sorties of Air National Guard cargo aircraft and the capabilities Oregon's two ANG bases provided to transload soldiers and equipment. That was a national or strategic lift requirement.)

As I look at our Northwest Region, we see a demonstrated need for organizing aviation assets in order to have the capability to not only move in our own state, but also within the region. The benefit of the CERFP could also be realized by aligning war fighting structure under composite aviation structures. This would guarantee a full spectrum of aviation capabilities in time of critical circumstances. Presently, some National Guard units are still flying Viet Nam era rotary wing aircraft. Congress must recognize these failings and support Department of the Army plans to replace these air frames with newer more capable aircraft such as the LUH, Light Utility Helicopter and the FCA, Future Cargo aircraft.

These new aircraft must be stationed appropriately within each region to provide the capability we so desperately need during an emergency. Additionally, as we see the War Fighting requirements develop and evolve within the aviation community, new transformational configurations such as the V-22 for special operations, would be a valued asset for Homeland Defense, the War Fight and for Emergency response, again using the same

equipment and personnel to do all three missions. All of these major equipment requirements must be enhanced if we are to meet the expectations of our Governors and our fellow citizens. We have seen a tremendous degradation of our force primarily due to the past policies of only equipping the Guard to minimal levels, (C-3) and the need to cross level this equipment to deploying Guard units upon deployment. This can not continue if we are expected to be an operational force for the Army and Air Force but also as the primary force for Homeland Defense and disaster response. The assumed easy answer that might direct the Active Duty to assume a greater responsibility for these missions simply will not change this dynamic. The National Guard is the closest to the American public. Our Constitutional role is clear and our governors depend on us in times of need. If additional responsibilities and standardization are required, the National Guard will provide the best return on investment.

The National Guard Bureau has developed equipment requirement needs that all Adjutants General agree must be funded and procured. We can no longer afford to manage our force at a reduced level when it is required that we respond to a disaster for our governors or deploy in support of the Global War on Terror. We need the equipment now so when we are called for either state or federal missions we have the trained personnel with the best equipment to accomplish that mission.

In pursuing this new structure, it is essential that no part of the National Guard's time, funding or equipment should be diverted away from military readiness. The new structure should be entirely additive allowing the National Guard to put in place, using either DoD or DHS guidance and resources, new personnel and equipment needed to better integrate into and respond to the needs of the nation's and the states' emergency response systems. The existing Counter-drug program does this for the war on drugs without intruding on military readiness. A similar arrangement can

do the same for the war on terrorism and domestic operations generally.

The obvious elements within the DoD to do this coordination are U.S. Northern Command and the National Guard Bureau. U.S. Northern Command and the Bureau could establish the training and execution requirements; drive the resourcing, the mission sets, and the standards.

A revised DoD model or a reverse Coast Guard-like structure with a DHS relationship would allow the National Guard a more uniform organization and discipline in response to of America's disasters. Analysis of these three models by the Congress and inside the Departments of Defense and the Department of Homeland Security is needed to more completely select and develop such initiatives. It is time to build on the momentum of the lessons of hurricanes Katrina and Rita. Actions to accomplish this should be taken sooner rather than later.

Finally, I thank you once again for addressing this issue. It is of the utmost importance that the American people continue to have confidence in its military forces be it at home or abroad. From my stand point, the National Guard has never been better. We have proven that we can mobilize around the globe to fight the War on Terror or deploy to assist our fellow Americans in a time of desperate need. We have demonstrated for over a decade and a half that we can work effectively and efficiently to assist law enforcement in the war on drugs and we have shown that when the nation needs us for a new mission set, as in the Civil Support Teams, our soldiers and airmen can perform in a superb manner at an affordable cost to the taxpayer. All of this suggests that our Founding Fathers wisdom was insightful and timeless when they

recognized the importance of the balance between the federal forces and the Militia. We continue to represent those principles and the wisdom our founders with pride and passion.

Thank you